

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 431X)

BNSF RAILWAY COMPANY—ABANDONMENT AND DISCONTINUANCE  
EXEMPTION—IN KNOX AND FULTON COUNTIES, IL

Decided: September 1, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments and Discontinuances of Services to: (1) abandon a 1-mile line of railroad between milepost 51.58 and milepost 52.58 near Farmington, in Fulton County, IL; and (2) discontinue service over a 4.69-mile line of railroad between milepost 46.89 near Yates City, and milepost 51.58 near Farmington, in Knox County, IL, a total distance of 5.69 miles. Notice of the exemption was served and published in the Federal Register on August 4, 2006 (71 FR 44350-51). The exemption is scheduled to become effective on September 5, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on August 11, 2006. In the EA, SEA states that the U.S. Environmental Protection Agency, Region 5 (USEPA) has provided a number of comments regarding the proposed abandonment, and has no significant concerns, provided certain environmental matters pertaining to salvage activities are addressed. To address these environmental matters, SEA recommends that BNSF be required to conduct salvage activities in the following manner: recycle or appropriately dispose of rails, crossties, debris, and any other structures or materials and avoid leaving such materials in streams, wetlands, or on the banks of such waterways; appropriately dispose of any crossties treated with creosote; take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses; and take measures to minimize noise and air pollution during salvage activities. In order to protect the West Fork Kickapoo Creek, BNSF should avoid staging or piling of materials in runoff areas and avoid incidental spills, dumping, discarding debris, and damage to area flora.

In the EA, SEA indicated that it conducted a search of the Native American Consultation Database (Database)<sup>1</sup> to identify federally recognized tribes that may have ancestral connections to the project area. The Database indicated that the following tribes may have an interest in the proposed abandonment: Delaware Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; Peoria Tribe of Indians of Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Nation, Oklahoma; Sac & Fox Tribe of the Mississippi in Iowa; Citizen Potawatomi Nation, Oklahoma; and Prairie Band

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<sup>1</sup> See Database at <http://www.nps.gov/nacd/>.

of Potawatomi Nation, Kansas. SEA stated that it would send a copy of the EA to these tribes for their review and comment.

Comments to the EA were due by August 29, 2006. On August 25, 2006, the National Geodetic Survey (NGS) submitted comments stating that seven geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA additionally recommends that BNSF be required to provide NGS with at least 90 days' notice prior to beginning salvage activities so that NGS may plan for the possible relocation of the markers. Accordingly, the environmental condition recommended by SEA in the EA and the new condition recommended by SEA will be imposed.

Based on SEA's recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the condition that BNSF shall: (1) conduct salvage activities in the following manner: recycle or appropriately dispose of rails, crossties, debris, and any other structures or materials and avoid leaving such materials in streams, wetlands, or on the banks of such waterways; appropriately dispose of any crossties treated with creosote; take appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutants from entering any watercourses; take measures to minimize noise and air pollution during salvage activities; and in order to protect the West Fork Kickapoo Creek, avoid staging or piling of materials in runoff areas and avoid incidental spills, dumping, discarding debris, and damage to area flora; and (2) provide NGS with at least 90 days' notice prior to beginning salvage activities so that NGS may plan for the possible relocation of the seven geodetic station markers.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary